

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

GREGORY G. BROWN,

Plaintiff,

V.

TERRY H. BRADFORD,

Defendant.

CASE NO. 4:12 CV 1399

JUDGE JAMES S. GWIN

MEMORANDUM OF OPINION
AND ORDER

On June 4, 2012, plaintiff *pro se* Gregory G. Brown, an inmate at the Northeast Ohio Correctional Center (NOCC), filed this *in forma pauperis* action against fellow NOCC inmate Terry H. Bradford. Plaintiff, who states he is not subject to the criminal or civil laws of the United States, asserts jurisdiction based on the International Covenant on Civil and Political Rights. He alleges Bradford made a false accusation against him, and that plaintiff was consequently relocated to a cell block from which “inmates are not allowed to walk to the dining hall like inmates of all the other blocks.” Complaint, p.3.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (per curiam); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319 (1989); *Lawler v. Marshall*, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194, 197 (6th Cir. 1996).

The International Covenant on Civil and Political Rights does not serve as a basis for this court's jurisdiction. *See, e.g., Sosa v. Alvarez-Machain*, 542 U.S. 692, 728, 734 (2004). Further, there is no suggestion of a valid diversity of citizenship cause of action, nor is a federal statute implicated by plaintiff's claim. This action is therefore appropriately subject to summary dismissal for lack of jurisdiction.. *Lowe v. Hustetler*, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990).

Accordingly, this action is dismissed under section 1915(e). Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: October 22, 2012

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE